

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	<u>7-53</u>
Acceptance Date:	<u>5-16-17</u>
Website Posting Date:	<u>5-17-17</u>
Determination Date:	<u>5-16-17</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>5-16-18</u>
Planner Assigned:	<u>JG/AW</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>Tower Kauai Lagoons, LLC attention: Gary Siracusa</u>	
Mailing Address: <u>3351 Ho'olaule'a Way</u>	Phone: <u>241-6046</u>
<u>Kapaa, Hawaii 96746</u>	Email: <u>gsiracusa@hokualakauai.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary) <u>3-5-1:27</u>	
County Zoning District: <u>Open</u>	Tax Map Key(s): <u>(4) 3-8-004-027</u>
	Land Area: <u>212.178 acres</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Refurbish existing wedding chapel</u>

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)

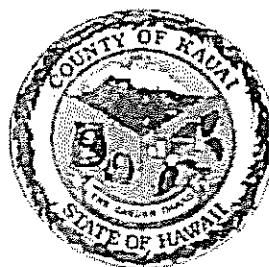
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 531'-4"
- ☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 531'-4 ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel.

* Appears to be approx. 450' JG



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- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Generally flat to slightly undulating; approximately +70 to +96 MSL

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Solid volcanic basalt rock generally with some sand deposits

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☐ Is property in coastal floodplain (if checked, what zone)? _____

- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

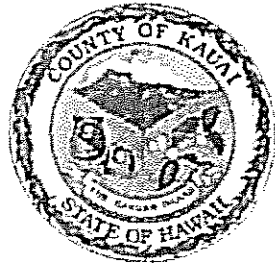
The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Ergy Sirocusa
Signature

18 JAN 2017
Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/> Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.	
<i>[Signature]</i> Planning Director or designee	<i>Appears to be approx. 450'</i> Date



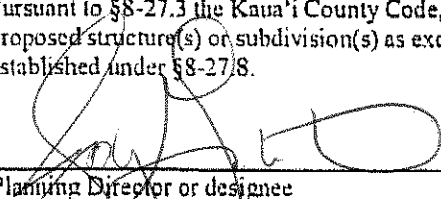
PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☐ **Exemption 1**
In cases where the proposed structure or subdivision satisfies the following four criteria:
(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.
- ☒ **Exemption 2**
In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
- ☐ **Exemption 3**
Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)	
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.	
 Planning Director or designee	5-16-17 Date



January 19, 2017

Mr. Michael Dahilig, Director
Planning Department
4444 Rice Street, Suite 473
Lihue, Kauai, Hawaii 96766

Attention: Mr. Dale Cua

Subject: Shoreline Setback Application and
Request for Determination of Non-applicability
Hokuala Resort
Tax Map Key (TMK): (4) 3-8-001.027
Kalapaki, Lihue, Kauai, Hawaii

Thank you for the opportunity to meet on January 9, 2017 and discuss our proposed refurbish project for the existing wedding chapel.

Subsequently I hereby submit a shoreline setback application for your consideration and determination. Included with the application I have attached supporting documents A01 (Site Plan), A02 (Floor Plan) and A04 (Elevations).

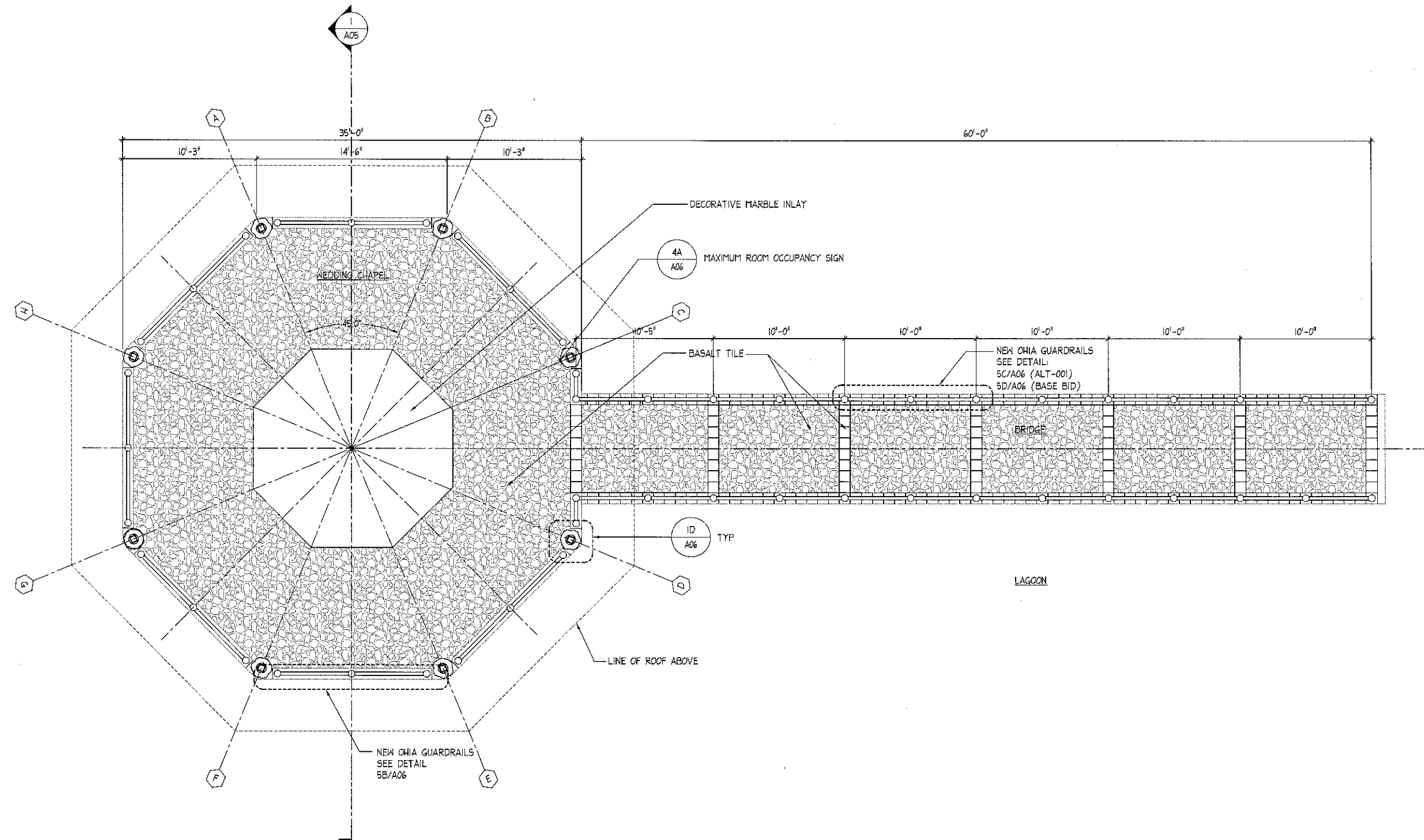
In conjunction with the request, I offer the following for your consideration:

- The existing chapel falls approximately 31' outside of the 500' setback requirement;
- The building does not abut the shoreline;
- The proposed project site lies approximately 96 feet above mean sea level (msl), is not located within the coastal hazard zone and would not affect natural coastal processes.

We greatly appreciate your consideration of this request. Should you have any questions or need additional information, please call me at (808) 241-6046.

Sincerely,

Gary Siracusa
Project Director



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



shimokawa+nakamura

1580 Makaloa Street, Suite 1050
Honolulu, Hawaii 96814
808.955.3373 PHONE
808.955.3374 FAX
www.snllc.us



Colin H. Shimokawa

This work was prepared by me or under my supervision and construction of the project will be under my observation.
Expiration date 04/30/2016.

Timbers Resort LLC
Refurbish Existing Chapel

TMK: (4) 3-5-001:027

ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE

FLOOR PLAN

DRAWING NO.

A02

DATE:
10/16/2016

PROJECT NO.:
1610.00



Google earth

Google earth

feet
meters

1000

500





1580 Makaloa Street, Suite 1050
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Colin H. Grimshaw
This work was prepared by me or under
my supervision and construction of the
project will be under my observation.
Expiration date 04/30/2016.

Timbers Resort LLC
Refurbish Existing Chapel

TMK: (4)3-5-001:027

ISSUES AND REVISIONS:

SHEET TITLE

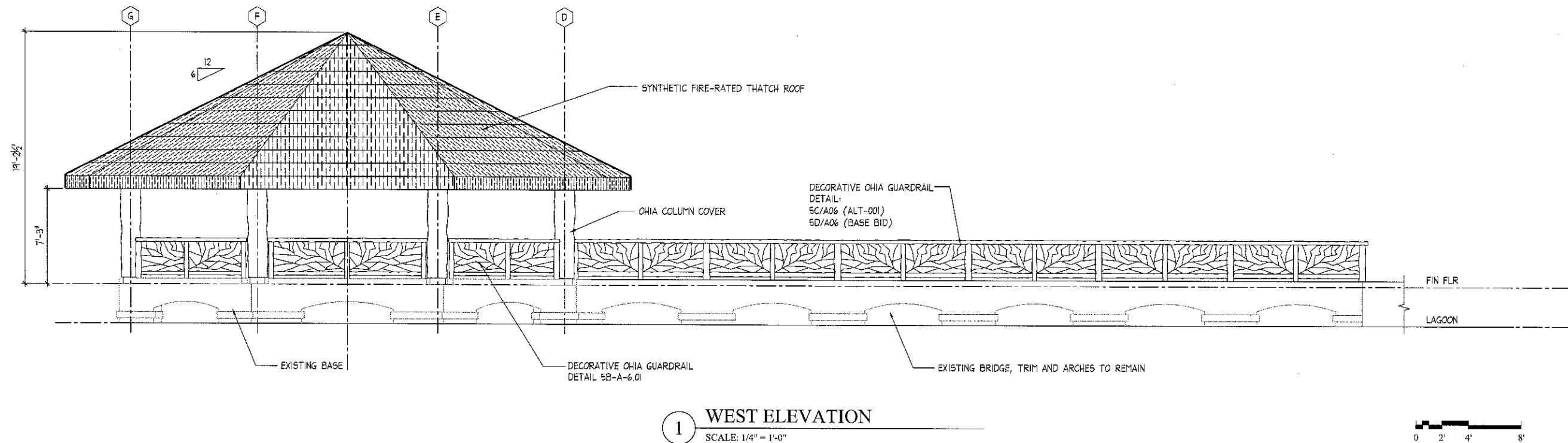
SITE PLAN

DRAWING NO.

A01

DATE:
10/16/2016

PROJECT NO.:
1610.00



shimokawa+nakamura

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Colin H. Shimokawa

This work was prepared by me or under
my supervision and construction of the
project will be under my observation.
Expiration date 04/30/2016.

Timbers Resort LLC
Refurbish Existing Chapel

TMK: (4) 3-5-001:027

ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE

ELEVATIONS

DRAWING NO.

A04

DATE:
10/16/2016

PROJECT NO.:
1610.00